

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TRUSTEES OF THE PLUMBERS AND  
PIPEFITTERS NATIONAL PENSION  
FUND; TRUSTEES OF THE U.A.  
UNION LOCAL NO. 290 PLUMBER,  
STEAMFITTER AND SHIPFITTER  
INDUSTRY HEALTH AND WELFARE  
TRUST; TRUSTEES OF THE U.A.  
UNION LOCAL 290 PLUMBER,  
STEAMFITTER AND SHIPFITTER  
INDUSTRY RETIREE HEALTH TRUST;  
TRUSTEES OF THE U.A. UNION  
LOCAL NO. 290 PLUMBER,  
STEAMFITTER AND SHIPFITTER  
INDUSTRY 401(K) PLAN AND  
TRUST; TRUSTEES OF THE UNITED  
ASSOCIATION LOCAL NO. 290  
APPRENTICESHIP AND JOURNEYMAN  
TRAINING TRUST FUND; TRUSTEES  
OF THE U.A. UNION LOCAL NO.  
290 PLUMBER, STEAMFITTER AND  
SHIPFITTER INDUSTRY VACATION,  
SCHOLARSHIP AND EDUCATIONAL  
REIMBURSEMENT TRUST; and  
TRUSTEES OF THE PLUMBING AND  
PIPING MANAGEMENT TRUST FUND,

03:12-CV-471-HU

ORDER

Plaintiffs,

v.

JOHN CRAIG PLUMBING LLC,

Defendant.

**BROWN, Judge.**

Magistrate Judge Dennis J. Hubel issued Findings and Recommendation (#13) on June 25, 2012, in which he recommends the Court grant the Plaintiffs' Motion (#8) for Default Judgment. Plaintiffs filed timely Objections (#15) to the Findings and Recommendation only with respect to the lack of an award of attorneys' fees and costs in the Findings and Recommendation. This matter is now before the Court under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). For those portions of the Findings and Recommendation to which the parties do not object, the Court is relieved of its obligation to review the record *de novo* as to that portion of the Findings and Recommendation. *Reyna-Tapia*, 328 F.3d at 1121.

Plaintiffs contend the Magistrate Judge erred because he failed to award Plaintiffs attorneys' fees and costs that Plaintiff sought in their Motion for Default Judgment. Plaintiffs, therefore, urge the Court to modify the Findings and Recommendation to award attorneys' fees and costs.

The Court notes the Magistrate Judge, in fact, reviewed Plaintiffs' request for attorneys' fees and costs and concluded they are reasonable under the circumstances. The Findings and Recommendation, however, does not expressly recommend the Court to award attorneys' fees and costs. The Court has reviewed counsel's submissions in support of the request for attorneys' fees and costs and concurs with the Magistrate Judge that Plaintiffs' requested fee (6.5 hours of work at a rate of \$190 per hour) is reasonable under the circumstances and that Plaintiffs' costs are supported by "appropriate documentation" as required by Local Rule 54-1(a) evincing Plaintiffs' filing fee and service of summons. Accordingly, the Court awards Plaintiffs' attorneys' fees and costs and adopts the Findings and Recommendation as modified.

#### CONCLUSION

The Court **ADOPTS as modified** Magistrate Judge Hubel's Findings and Recommendation (#13) and, accordingly, **GRANTS** Plaintiffs' Motion (#8) for Default Judgment and **AWARDS** attorneys' fees **in the amount of \$1,235.00** and costs **in the amount of \$406.00**.

The Court **directs** Plaintiffs to file **no later than August 31, 2012**, a final proposed form of judgment consistent

with this Order and the Magistrate Judge's Findings and Recommendation for the Court's review.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of August, 2012.

/s/ Anna J. Brown  
ANNA J. BROWN  
United States District Judge